

Docket No. ONT-101

REMARKS

Reconsideration of this application and withdrawal of the rejections set forth in the Office Action mailed February 2, 2006, is requested in view of the amendments above and the following remarks. Claims 1-25 are pending and at issue in this application. By this amendment, claims 1, 4, 5, 10, 13, 16, and 22 have been amended and claims 14 and 21 has been canceled. No new matter has been added.

I. CLAIM REJECTIONS UNDER 35 U.S.C. § 112

Claims 12 and 15 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 12 and 15 were previously amended in a supplemental amendment to clarify the claims and to remove the apparent inconsistency identified by the Examiner. Accordingly, the basis for this rejection has been removed and this rejection should be withdrawn.

II. CLAIM REJECTIONS UNDER 35 U.S.C. § 102

Claims 1, 3, 7-9, 16, 17 and 21 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,979,164 (Scudder et al.). Applicants respectfully submit that this rejection should be withdrawn because Scudder et al. does not teach or disclose all of the limitation of the subject claims as amended herein.

For example, claim 1 has been amended to incorporate the limitations of claim 2, which the Examiner indicated would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Therefore, claim 1 patentably distinguishes over the cited prior art. Claim 7-9 depend from claim 1, or an intervening claim, and are therefore patentable for at least the same reasons applicable to claim 1.

Docket No. ONT-101

Claim 16 has been amended to include a similar limitation as found in claim 2, namely that the pull-off lid is removable by breaking the material connecting it to the remainder of the full panel pull-off. Thus, claim 16 is not anticipated by the prior art. Claim 17 depends from claim 16 as is not anticipated by the cited prior art for at least the same reasons as claim 16.

Claim 21 has been canceled herein and therefore this rejection as to claim 21 is moot.

III. CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 11-15, 18-20 and 24-25 stand rejected under 35 U.S.C. 103(a) as being obvious over any of the so-called Scudder et al. references ('164, '078, '786, or '022) in view of any one of Tracy, Goldstein, Prentice or Fearon. Applicants submit that this rejection should be withdrawn because the cited prior art fails to teach or suggest Applicants' claimed invention directed to a container for selectably changing the temperature of its contents which utilizes calcium oxide particles of a specified blend of particle sizes.

Even if the basic principle that particle size can be used to control reaction rate is known, Applicants' claimed blend of particle sizes is not a matter of obvious design choice, as assumed by the Examiner. Numerous combinations of particle sizes could provide a desired reaction rate, while still maintaining the particles in place. However, Applicants discovered that certain ranges of easily sortable sizes can be used, while not needing to be concerned with the size of a certain percentage of the particles. For example, claims 11-15, 18-20, and 24-25, require that at least 75% of the calcium oxide particles filter through a #7 mesh but are captured by a #14 mesh. Thus, 25 % of the particles can be of unknown size. This is a non-obvious and patentable distinction over the prior art.

Moreover, claims 18-20 depend from claim 16 (or an intervening claim), and are therefore non-obvious over the cited prior art for at least the reasons discussed above with respect to the § 102

Docket No. ONT-101

rejection of claim 16. Similarly, aims 24-25 depend from claim 1, or an intervening claim, and are therefore patentable for at least the same reasons applicable to claim 1, as discussed above.

IV. ALLOWABLE SUBJECT MATTER

Applicants gratefully acknowledge the Examiner's indication that the subject matter of claims 2, 4, 5, 6, 10, 22 and 23 would be allowable if rewritten in independent form.

Claim 1 has been amended to include all of the limitations of claim 2 and therefore claim 1 is allowable. Claims 3, 7-9, and 23-25 depend from claim 1, or an intervening claim, and are therefore patentable for at least the same reasons applicable to claim 1.

Claims 4, 5, 10, and 22 have been rewritten in independent form including all of the limitations of the base claim and any intervening claim as suggested by the Examiner. Thus, claims 4, 5, 10 and 22 are allowable. Claim 6 depends from claim 5 and is allowable for at least the same reasons as claim 5.

CONCLUSION

Any claim amendments which are not specifically discussed in the above remarks are not made for reasons of patentability, do not affect the scope of the claims, and it is respectfully submitted that the claims satisfy the statutory requirements for patentability without the entry of such amendments. These amendments have only been made to increase claim readability, to improve grammar, or to reduce the time and effort required of those in the art to clearly understand the scope of the claim language.

In view of the foregoing amendments and remarks, Applicants respectfully submits that all of the examiner's rejections have been overcome. Accordingly, allowance is earnestly solicited. If the examiner feels that a telephone interview could expedite resolution of any remaining issues, the

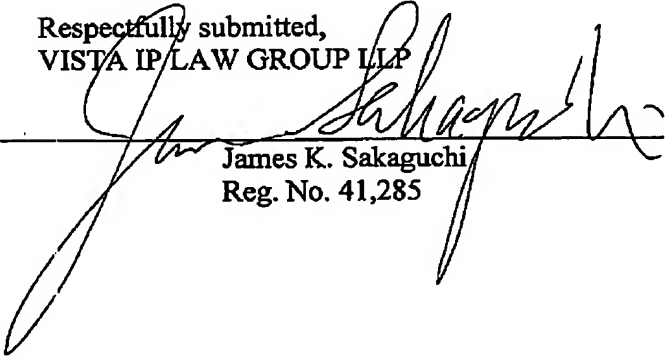
Docket No. ONT-101

examiner is encouraged to contact Applicants' undersigned representative at the phone number listed below.

Respectfully submitted,
VISTA IP/LAW GROUP LLP

Dated: May 8, 2006

By: _____


James K. Sakaguchi
Reg. No. 41,285

JKS:jks
VISTA IP LAW GROUP LLP
2040 Main Street, 9th Floor
Irvine, CA 92614
Telephone: 760-803-5967
Facsimile: 949-625-8955